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LETTER DATED 28 JANUARY 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ADDRESSED TO THE SECRETARY-GENERAL

Regarding the letter of the Permanent Representative of Slovenia to the United Nations of 14 January 1994 (CERD/SP/52), I have the honour to point out the following.

The representative of Slovenia regrettably took advantage of the Fifteenth Meeting of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to advance a series of erroneous and ill-intentioned interpretations concerning the status of the Federal Republic of Yugoslavia in the United Nations and as a party to international treaties and conventions.

In his letter, the representative of Slovenia, for obvious political reasons, maliciously singled out only the view of the Arbitration Commission of the International Conference on the Former Yugoslavia (the "Badinter Commission"). Since that Commission is an advisory body, its opinions cannot be taken as a basis for making decisions on the membership of the Federal Republic of Yugoslavia in the United Nations or for determining its status as a party to treaties. Moreover, the Commission has essentially violated the norms of international law from both a material and a procedural point of view.

The letter seeks to establish a link between General Assembly resolution 47/1 and the membership of the Federal Republic of Yugoslavia in the United Nations. However, General Assembly resolution 47/1 pertains solely to the non-participatior of the Federal Republic of Yugoslavia in the work of the General Assembly. This was clearly confirmed in the opinion of the United Nations Legal Counsel that ... "the resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies". According to another opinion of the United Nations Office of Legal Affairs, dated 16 November 1993, "the status of Yugoslavia as a party to the treaties is not affected by the adoption of the General Assembly resolution 47/1 ...". 1/

The Federal Republic of Yugoslavia, in the declaration adopted by its Assembly on 27 April 1992, clearly stated that it shall continue to fulfil all the rights conferred on, and the obligations assumed by, the Socialist Federal Republic of Yugoslavia in international relations, including participation in international treaties ratified or acceded to by Yugoslavia.

As far as the International Convention on the Elimination of All Forms of Racial Discrimination is concerned, the Federal Republic of Yugoslavia expressed its readiness to honour all its duties and obligations arising from that Convention. The Committee on the Elimination of Racial Discrimination, at its forty-eighth session in 1993, welcomed the timely submission of the report of the Federal Republic of Yugoslavia and the presence of a delegation as an indication of the State party's willingness to continue the dialogue with the Committee. 2/ In the spirit of cooperation, the Federal Republic of Yugoslavia welcomed the fact-finding mission of the Committee, which visited Yugoslavia at the end of 1993.

Consequently, the provisions of international law and international treaties do not authorize United Nations organs or States parties to suspend the membership status of a State party to a Convention against the will of the State party concerned. Therefore, any attempt to change the United Nations publications that contain the name of Yugoslavia as a State party to the treaties shall be legally unfounded and contrary to the norms of international law and the Charter of the United Nations.

This is yet another attempt by the Slovenian representative to challenge the membership of the Federal Republic of Yugoslavia in the United Nations as well as its status as a party to treaties, using the worn-out and false legal arguments inspired exclusively by political motives.

I should be grateful if you would have this letter circulated as an official document of the Fifteenth Meeting of the States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Notes

1/ A/47/485.

2/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).